

REMARKS

1 In the Examiner's Office Action dated June 4, 2004, the Examiner objected to
claims 4 and 5 as being dependent upon a rejected base claim. However, the Examiner
indicated that claims 4 and 5 would be allowable if rewritten in independent form to
5 include all of the limitations of the base claim and any intervening claims. In
accordance with the Examiner's comments, claims 4 and 5 have been rewritten as new
independent claims 8 and 9. Claim 8 contains all of the limitations of claims 1, 3 and 4.
Claim 9 contains all of the limitations of claims 1 and 5. Claims 4 and 5 have been
canceled without prejudice. Applicants believe that new claims 8 and 9 are in condition
10 for allowance.

The Examiner rejected claim 1 under 35 U.S.C. § 102(b) as being anticipated by
Raidel. Even though applicants believe the claims are allowable as written, applicants
have amended independent claim 1 to clarify the present invention for the Examiner and
15 expedite this matter. Claim 1 has been amended to recite a one-piece stabilizer bar
assembly which includes an elongated, generally transversely extending base portion
having first and second generally forwardly extending end portions at opposite ends
thereof. The importance of this structure is emphasized in the specification of the
present invention. Page 3 of the specification specifically sets forth that one of the
20 primary objectives of the invention is to provide an axle suspension system of the
parallelogram-type wherein the functions of either the upper or lower control arms and a
stabilizer bar are combined into one. (Page 3, lines 11-12). Page 4 of the specification
states that the numeral 44 refers to a stabilizer bar assembly which performs the
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1 functions of a stabilizer bar and upper control arms for a suspension system. (Page 4,
lines 24-25). Page 6 of the specification recites that it can be seen that the functions of
a stabilizer rod and upper control arms have been combined into a single structure that
is stabilizer bar 44. (Page 6, lines 3-5). Accordingly, a one-piece stabilizer bar is one of
5 the primary objectives of the present invention. Applicants assert that this language
clearly distinguishes Raidel. The suspension system in Raidel is broken up into several
structural members. Therefore, applicants assert that the Examiner's rejection of claim
1 under 35 U.S.C. § 102(b) is in error.

10 Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over
Hendrickson in view of Stuart. Applicants assert that the Examiner's proposed
combination is in error. The prior art must suggest the desirability of the claimed
invention. Obviousness can only be established by combining or modifying the
15 teachings of the prior art to produce the claimed invention where there is some
teaching, suggestion or motivation to do so, found either explicitly or implicitly in the
references themselves where the knowledge generally is available to one of ordinary
skill in the art. In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir.
2000) (stating that while the control of multiple valves by a single sensor rather than by
20 multiple sensors was a "technologically simple concept," there was no finding "as to the
specific understanding or principal within the knowledge of the skilled artisan" that
would have provided the motivation to use a single sensor as the system to control
more than one valve).

1 In the present matter, the Examiner has set forth no motivation to make the
proposed combination. In fact, to make the Examiner's combination work, the
Hendrickson invention would need to be completely reengineered. It is not possible for
the stabilizer bar of Stuart to be integrated into the suspension system of Hendrickson.
5 Hendrickson simply is not set up for such a device. Accordingly, a person of ordinary
skill in the art would not consider combining the two references.

Prior art references can be modified or combined only if there is a reasonable
expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 USPQ 375 (Fed.
Cir. 1986). Whether an art is predictable or whether the proposed modification or
10 combination of the prior art has a reasonable expectation of success is determined at
the time the invention was made. Ex parte Erlich, 3 USPQ2d 1011 (Bd. Pat. App. &
Inter. 1986). In the present matter, there is absolutely no reasonable expectation of
success. As stated above, Hendrickson's entire suspension system would need to be
15 reengineered to facilitate the stabilizer bar Stuart. Again, Hendrickson simply is not
structured to accommodate such a device. Therefore, applicants assert that the
Examiner's proposed combination is in error.

Furthermore, to establish *prima facie* obviousness of a claimed invention, all the
claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d
20 981, 180 USPQ 580 (CCPA 1974). All words in the claim must be considered in judging
the patentability of the claim against the prior art. In re Wilson, 424 F.2d 1382, 1385,
165 USPQ 494, 496 (CCPA 1970). Claim 1 of the present invention recites first and
second mounting brackets. First and second lower control arms are pivotally secured to
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the mounting brackets. Claim 1 continues by reciting first and second axle supports.
1 The first and second lower control arms are also pivotally secured to the axle supports.
Also, claim 1 recites a one-piece stabilizer bar assembly which includes an elongated,
generally transversely extending base portion having first and second generally forwardly
5 extending end portions at opposite sides thereof. The forwardly extending end portions
of the stabilizer bar are pivotally connected to the mounting brackets. The base portion
of the stabilizer bar is pivotally connected to the axle supports. With regard to claim 2,
claim 2 recites that resilient bushings are pivotally connected to the base portion of the
stabilizer bar. Claim 3 further recites the general shape of the forwardly extending end
10 portions of the stabilizer bar. Applicants assert that the aforementioned structure is not
taught in any manner by the Examiner's cited art. Furthermore, in regard to claims 2
and 3, they ultimately depend from independent claim 1. Claim 1 is clearly allowable for
the reasons set forth above. Accordingly, applicants assert that claims 2 and 3 are
15 allowable for those same reasons.

In light of the above amendments and remarks, applicants assert that the claims
are in condition for allowance. Applicants respectfully requests reconsideration and
allowance of the same.

20 No fees or extensions of time are believed to be due in connection with this
amendment; however, please consider this a request for any extension inadvertently
omitted, and charge any additional fees to Deposit Account No. 502093.



Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT AFTER FINAL REJECTION for DAVID S. VANDER KOOI, ET AL., Serial No. 10/082,033, was mailed by first class mail, postage prepaid, to Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2nd day of July, 2004.

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